

## Virginia Board of Dentistry

### **Periodic Office Inspections for Administration of Sedation and Anesthesia**

#### **Purpose**

The purpose of instituting periodic unannounced office inspections is to foster and verify compliance with regulatory requirements by dentists who hold a permit to administer sedation or general anesthesia (hereinafter referred to as permit holders). Verifying compliance with the requirements will assure that appropriate protections are in place for the health and safety of patients who undergo moderate sedation, deep sedation, or general anesthesia for dental treatment.

#### **Applicable Laws and Regulation**

- Employees of the Department of Health Professions, when properly identified, shall be authorized, during ordinary business hours, to enter and inspect any dental office or dental laboratory for the purpose of enforcing the provisions of this chapter as provided by §54.1-2703 of the Code of Virginia.
- The Board shall establish by regulation reasonable education, training, and equipment standards for safe administration and monitoring of sedation and anesthesia to patients in a dental office as provided by §54.1-2709.5 of the Code.
- Part VII of the Regulations Governing the Practice of Dentistry addresses the requirements for administration of anesthesia, sedation and analgesia beginning at 18VAC60-21-260.

#### **Scope of Periodic Inspections**

- Dentists who do not provide any level of sedation and those that only provide minimal sedation do not require a permit and are not subject to periodic inspections related to sedation and anesthesia.
- Oral and maxillofacial surgeons (hereinafter referred to as OMSs) who maintain membership in AAOMS and who provide the Board with the reports which result from the periodic office examinations required by AAOMS do not require a permit and are not subject to periodic inspections. Each OMS must have undergone an AAMOS periodic office examination within the five preceding years and the reports of the examinations are to be provided to the Board upon request.
- Every OMS who does not maintain AAOMS membership or who does not have a current AAOMS report is required to hold a permit to administer sedation or general anesthesia and is subject to periodic inspections by the Board.
- Every dentist who administers moderate sedation, deep sedation or general anesthesia is required to hold a permit. Permit holders are subject to periodic unannounced office inspections with the following two exceptions. Permit holders are not subject to periodic office inspections if they administer any of these levels of sedation to patients:
  - only as a faculty member within educational facilities owned or operated by or affiliated with an accredited dental school or program, or

- only in a hospital or an ambulatory surgery center accredited by a national accrediting organization, such as the Joint Commission, which is granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb).
- Permit holders who practice in multiple offices shall identify each location for inspection. Each office will be inspected at least once in an inspection cycle. If a permit holder is the sole practitioner in each of the locations, inspections of each office will be coordinated to address findings in a comprehensive inspection report.
- Practices with multiple permit holders will be inspected for general compliance at least once in an inspection cycle. These inspections will address the compliance of each permit holder at the practice so that a complete inspection report is issued for each permit holder as necessary to have each permit holder's practices inspected once every three years.
- Permit holders practicing on an itinerant basis shall identify a primary practice location for a periodic inspection and shall report and provide information about the arrangements in place with employing dentists to facilitate inspection of those practice settings.
- The practice locations of permit holders who use the services of another qualified health professional to administer moderate sedation, deep sedation or general anesthesia as permitted in sections 18VAC60-21-291(A) and 18VAC60-21-301(B) of the Regulations Governing the Practice of Dentistry shall be inspected.

### **Inspection Cycle**

The standard inspection cycle is to conduct an unannounced inspection of each permit holder's practice(s) once every three to five years. This cycle will be followed when an inspection finds that all requirements have been met or that only a few minor violations have been identified for correction. Such findings might be resolved through an advisory letter or a confidential consent agreement. Significant findings of violations may result in administrative proceedings, disciplinary action and more frequent inspections.

### **Initiation of Inspections**

The Board will conduct a pre-inspection survey of all permit holders. The purpose of this survey will be to collect information about the level of sedation practiced, practice locations and staffing. This information will facilitate planning for inspections. Permit holders will receive a copy of this guidance document and the inspection form with the survey.

Following review of the survey results, the Enforcement Division of the Department of Health Professions will initiate unannounced inspections of the offices of permit holders.

Following initiation of the periodic inspections, the Board will send an e-mail request to each OMS for submission of the most recent reports which resulted from the periodic office examinations required by AAOMS. This request will include a form to be completed and returned to the Board with the name of the primary contact person and the name, address, and phone number of each office where the OMS practices.

### **Costs Related to Inspections**

Permit holders will not be charged an inspection fee for a periodic inspection. A \$350 fee will be charged for any additional inspections that result from a disciplinary order issued to address findings of non-compliance in periodic inspections.

**Inspection Reports and AAOMS Office Examination Results**

Inspection reports and AAOMS results will be submitted to the Board for review. Board staff will review the information received to determine if the results indicate that a probable cause review of a permit holder's or AAOMS member's inspection findings are in compliance with the regulatory requirements addressed in the inspection form. The inspection reports and AAOMS results are confidential documents pursuant to §54.1-2400.2 of the Code of Virginia.